

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREG WILLIAM FANTER ,

Defendant.

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Case No. 8:08CR473

ORDER

This matter is before the court on the defendant's Amended Motion to Determine Competency to Stand Trial (#82) pursuant to 18 U.S.C. § 4241. On December 11, 2009 the court ordered (#147) that the defendant, Greg William Fanter, may not be presently competent to stand trial and that he should be committed to the custody of the Attorney General for hospitalization and treatment at the Federal Medical Facility in Springfield, Missouri, or in another suitable facility, for evaluation and treatment, and that a report be submitted to this court.

On September 24, 2010, the court received a forensic report from the warden of the Federal Medical Center, Butner, North Carolina.

On April 14, 2011, a hearing was held before the undersigned magistrate. The defendant was present and represented by counsel, Brandie Fowler. The United States was represented by Kimberly C. Bunjer, Assistant United States Attorney. The forensic report was received into evidence without objection. Defendant's counsel represented on the record that the defendant no longer questioned his mental competency. No additional evidence was adduced.

I find by a preponderance of the evidence that the defendant is not presently suffering from a mental disease or defect which renders him mentally incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense pursuant to 18 U.S.C. § 4241. Accordingly, I find that this case should be set for trial or a plea.

IT IS ORDERED:

1. Defendant's Amended Motion to Determine Competency to Stand Trial (#82) is denied.

2. The defendant is not suffering from any mental disease or defect which renders him mentally incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense pursuant to 18 U.S.C. § 4241.

Dated this 14th day of April 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge